



STATE OF NEW JERSEY

In the Matter of Niydira Parrish,
Police Officer (S9999A), East Orange

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2022-162

List Removal Appeal

ISSUED: OCTOBER 12, 2021 (SLK)

Niydira Parrish appeals the decision to remove her name from the Police Officer (S9999A), East Orange eligible list on the basis of being ineligible, by law, for employment in the subject title.

The appellant took the open competitive examination for Police Officer (S9999A), East Orange, which had an August 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. Her name was certified (OL200929) and she was in the 55th position on the subject certification. In seeking her removal, the appointing authority indicated that the appellant was ineligible, by law, for employment in the subject title.

On appeal, the appellant presents that she lives with her parents at the same address she indicated on her application. She asserts that she meets the qualifications to become a law enforcement officer as she was forthcoming during the investigation process, has no criminal record, passed the physical fitness test, and possesses the moral compass to be a Police Officer in the community where she grew up.

The appellant acknowledges that her father possesses a criminal record, but argues that it is unfair that she was disqualified from the subject list due to his actions as she has done the right things such as graduating from high school, staying

out of trouble and away from drugs, and being active in the community. She presents that the appointing authority had her take two urinalysis tests. Therefore, the appellant believes that she has been offered a conditional offer of employment. She states that she has since moved and lives alone. However, she provides no updated address or proof of her new residence.

Although given the opportunity, the appointing authority has not responded to this matter.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)1, provides that an eligible's name may be removed from an eligible list for failure to satisfy the job requirements.

N.J.A.C. 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error.

N.J.A.C. 4A:4-6.3(b) provides that in accordance with the Americans with Disabilities Act (ADA), 42 *U.S.C.* §§ 12101. *et seq.*, an appointing authority may only require a medical and/or psychological examination after an offer of employment has been made and prior to appointment, and may condition the offer of employment on the results of such examinations.

Initially, it is noted that contrary to the appellant's belief, there is no evidence in the record that she was given a conditional offer of employment. A urinalysis is not considered part of a medical examination under the ADA, and as such, the fact that appointing authority required the appellant to be subjected to such tests during pre-employment processing does not indicate that she was given a conditional offer of employment. It is noted that even if such an offer was accorded, any legal disqualification, such as is this matter, would make any such offer invalid.

In this matter, the appointing authority's background report indicated that the appellant lived with her father, who is a convicted felon and prohibited by law from possessing a firearm. In *In the Application of Clark*, 257 *N.J. Super.* 152 (1992), the Court held that even though the petitioner was of good character and repute, because she was living with her husband who was prohibited by law from having a gun, it was in the public interest to prevent convicted persons from having access to firearms and her application to purchase handguns was appropriately denied. Therefore, in this case, even though the current record does not indicate any other issues with the appellant's background, the appointing authority, at the time it reviewed her application and made its decision, had a legitimate basis to remove her name from the list as she is prohibited by law from possessing a firearm while living with her

father, and the ability to possess a firearm is an essential requirement to be a Police Officer. Further, she presents contradictory statements on appeal regarding her residency indicating that resides with her parents as well as that she has now moved and lives alone, all while providing an address on appeal that matches the address listed on her employment application. Moreover, although the appellant was given the opportunity to provide evidence that she no longer lives with her father, she has failed to do so, and she has the burden of proof. The Commission notes, however, if the appellant applies for a future law enforcement examination and she provides proof that she no longer lives with her father at the time of that application and throughout the employment process, her father's felony conviction cannot be the basis to remove her name from that future examination.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF OCTOBER, 2021

Deirdre L. Webster Cobb

Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries

and

Correspondence

Allison Chris Myers
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Niydira Parrish
Solomon Steplight
Division of Agency Services